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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7232-2021
Date of decision: 07.03.2024

SATBIR CHALIA

...Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naveen Daryal, Advocate
for the petitioner.

Ms. Sehej Sandhawalia, Advocate
for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ, order or direction especially in the nature of *certiorari* for quashing the impugned order dated 22.07.2019 (Annexure P-4), whereby recovery of Rs.76,005/- has been effected from the Gratuity of the petitioner and Rs.1,76,000/- has been recovered as interest from the petitioner and further to issue a writ in the nature of *mandamus* directing the respondents to release the Gratuity amount of Rs.76,005/- and interest amount to the petitioner along with all the consequential benefits, along with interest @ 18% per annum from the date of realization.

2. Learned counsel for the petitioner submitted that the dispute in the present case is pertaining to deduction made from the Gratuity of the petitioner

of an amount of Rs.76,005/- and also an amount of Rs.1,76,000/- as interest, which has been shown to be recovered from the petitioner as dues which were against him. He further submitted that vide Annexure P-1 and Annexure P-2, no dues certificate was rather given to the petitioner at the time of his retirement. He also submitted that after issuance of no dues certificate, the respondents could not have recovered the aforesaid amount from the petitioner.

3. On the other hand, learned counsel for the respondents while referring to the reply filed by the respondent-Nigam submitted that the aforesaid recovery was made from the petitioner on the basis of outstanding amount on the home loan and even otherwise also, it has been so stated in the aforesaid reply that an amount of Rs.43,339/- is yet to be refunded to the petitioner subject to furnishing of some relevant documents, which he has not provided.

4. After hearing learned counsel for the parties, this Court is of the view that it appears that disputed question of facts are involved in the present case and therefore this Court, at this stage, would not interfere in the present writ petition. However, since the recovery is made from the Gratuity of the petitioner, it is directed to resolve the said dispute. The petitioner will file a detailed representation to the Managing Director, UHBVNL, Panchkula with regard to the aforesaid factual position as stated by him in this Court. After the filing of the representation, the Managing Director, UHBVNL, Panchkula will hear the petitioner and after perusing the record and considering all the grievances raised by the petitioner in the said representation will pass a speaking order on the aforesaid issue within a period of two months from today.

5. Needless to say, in case it is found that any amount is due to the petitioner then the same shall be paid to him within a period of two months

thereafter. However, in case the Managing Director, UHBVNL, Panchkula comes to a conclusion that the petitioner is not entitled to any amount, then a speaking order shall be passed in this regard within the aforesaid time and the same shall be conveyed to the petitioner as well.

6. Consequently, the present writ petition is disposed of in the aforesaid terms.

07.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No